

REMARKS/ARGUMENTS

Claims 9-11 are pending in this application. By this amendment, Applicant cancels Claims 12-16.

Claims 9 was rejected under 35 U.S.C. § 102(e) as being anticipated by Ryu et al. (U.S. 7,350,296). Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ryu in view of Gao et al. (U.S. 6,686,665) and Seo et al. (US 2004/0121897). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ryu in view of Gao et al. and Seo et al., and further in view of Yamada et al. (U.S. 6,570,469).

The filing date of December 22, 2004 of Ryu et al. is after the filing date of October 29, 2004 of Japanese Application No. 2004-317313 from which the present application claims priority. Applicant encloses herewith a certified English language translation of Japanese Application No. 2004-317313 to perfect Applicant's priority claim. Therefore, Applicant respectfully submits that Ryu et al. is disqualified as prior art in the present application.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 9 under 35 U.S.C. § 102(e) as being anticipated by Ryu et al., the rejection of Claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Ryu et al. in view of Gao et al. and Seo et al., and the rejection of Claim 11 under 35 U.S.C. 103(a) as being unpatentable over Ryu et al. in view of Gao et al. and Seo et al., and further in view of Yamada et al..

In view of the foregoing amendment and remarks, Applicant respectfully submits that Claim 9 is allowable. Claims 10 and Claim 11 depend upon Claim 9, and are therefore allowable for at least the reasons that Claim 9 is allowable.

Application S.N. 10/597,919
October 21, 2009
Reply to the Office Action dated June 24, 2009
Page 5 of 5

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicant petitions the Commissioner for a One-Month Extension of Time, extending to October 26, 2009 (October 24, 2009 falls on a Saturday), the period for response to the Office Action dated June 24, 2009.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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